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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
[MODESTO DIVISION]

In re:

Case No. 19-90003-E-7

NATHAN BENJAMIN DAMIGO,

STATUS REPORT

Debtor.

15 | Chapter Number: 7

**ELIZABETH SINES, SETH
WISPELWEY, MARISSA BLAIR,
TYLER MAGILL, APRIL MUNIZ,
HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO,
JOHN DOE, AND CHELSEA
ALVARADO.**

Plaintiffs,

V.

NATHAN BENJAMIN DAMIGO,

Defendant.

Adv. Pro. No. 19-09006-E

STATUS CONFERENCE

Date: May 16, 2024

Time: 2:00 p.m.

Dept.: E

STATUS REPORT

Elizabeth Sines, Seth Wispelwey, Marissa Blair, Tyler Magill, April Muniz, Hannah Pearce, Marcus Martin, Natalie Romero, John Doe, and Chelsea Alvarado (the “*Plaintiffs*”) respectfully submit this Status Report pursuant to the Court’s October 20, 2023 Order Continuing Status Conference (the “*Continuance Order*”) (Dkt. No. 57), which set a status conference for May 16, 2024, and required the parties to file updated status reports on or before May 8, 2024.

Pursuant to the Complaint (the “***Complaint***”) filed commencing this adversary proceeding (the “***Adversary Proceeding***”), Plaintiffs seek a determination that the amount(s) of the damages arising from numerous claims asserted in Plaintiffs’ lawsuit against Nathan Damigo (the “***Defendant-Debtor***”) in the United States District Court for the Western District of Virginia (the “***Virginia District Court***”), Case No. 3:17-cv-00072-NKM (the “***Charlottesville Action***”) are non-dischargeable pursuant to section 523(a)(6) of Title 11 of the United States Code. On February 18, 2019, this Court entered an order (the “***Stay Order***”), staying all proceedings in this Adversary Proceeding, and extending the Defendant’s time to respond to the Complaint, pending further order of the Court.

The Virginia District Court trial commenced on October 25, 2021. A jury verdict in the Charlottesville Action was reached as to certain causes of action and defendants, including the Defendant-Debtor, on November 23, 2021. Specifically, the jury verdict found the Defendant-Debtor liable to Plaintiffs for Virginia state law civil conspiracy and awarded compensatory and punitive damages of approximately \$500,000. The jury did not reach a verdict on certain federal causes of action.

Since the time the Court entered the Continuance Order, the Virginia District Court affirmed the jury verdicts and both the plaintiffs and defendants in the Charlottesville Action filed notices of appeal with the United States Court of Appeals for the Fourth Circuit. The appeals have been fully briefed and oral argument has been concluded, and the parties are awaiting the decision of the Court of Appeals in the appeals, which could be issued in the next few months.

In his letter to the Court filed on May 1, 2024 (Dkt. No. 59), the Defendant-Debtor requested a continuance of the Status Conference until November 15, 2024. Given the foregoing, including the expectation of a decision from the Court of Appeals in the next few months, the Plaintiffs request and

1 respectfully ask the Court to continue the Status Conference until late September 2024, a point at
2 which the parties may have more information on the conclusion of the appellate process.

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4 Dated: May 2, 2024

Respectfully submitted,
5 COOLEY LLP
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8 By: /s/ Robert L. Eisenbach III
Robert L. Eisenbach III

9 Attorneys for Plaintiffs
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1 **PROOF OF SERVICE**
2 **(FRCP 5)**

3 I am over the age of eighteen years, and not a party to the action. My business address is
4 Cooley LLP, 3 Embarcadero Center, 20th Floor, San Francisco, California 94111. On the date set
5 forth below I served the documents described below on the following parties in this action in the
6 manner described below at the direction of a member of the bar of this Court:

7 • **STATUS REPORT**

8 (BY U.S. MAIL) I am personally and readily familiar with the business practice of
9 Cooley LLP for collection and processing of correspondence for mailing with the
10 United States Postal Service, and I caused such envelope(s) with postage thereon
11 fully prepaid to be placed in the United States Postal Service at San Francisco,
12 California.

13 **Nathan Benjamin Damigo**
14 14773 Orange Blossom Rd
15 Oakdale, CA 95361
16 (*Debtor*)
17 PRO SE

18 (BY CM/ECF NOTICE OF ELECTRONIC FILING) I caused said document(s) to
19 be served by means of this Court's electronic transmission of the Notice of
20 Electronic Filing through the Court's transmission facilities, to the parties and/or
21 counsel who are registered CM/ECF Users set forth in the service list obtained
22 from this Court.

23 **Gary Farrar**
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28 (*Trustee*)

29 **Office of the U.S. Trustee**
30 ustprregion17.sc.ecf@usdoj.gov
31 Robert T Matsui United States Courthouse
32 501 I Street, Room 7-500
33 Sacramento, CA 95814
34 (*U.S. Trustee*)

35 Executed on May 2, 2024.

36 
37 Mollie Canby